

ORDINANCE NO. 2383

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF GILBERT, MARICOPA COUNTY, ARIZONA DEANNEXING CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 0.03 ACRES OF GILBERT ROAD RIGHT-OF-WAY, GENERALLY LOCATED AT THE INTERSECTION OF GILBERT ROAD AND PECOS ROAD, TO THE CITY OF CHANDLER CONTINGENT UPON ANNEXATION OF SAID TERRITORY BY THE CITY OF CHANDLER PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471.02; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, A.R.S. § 9-471.02 provides a method for deannexation of land from one municipality and the annexation to another municipality; and

WHEREAS, it is the desire of the Town of Gilbert to deannex into the City of Chandler certain territory now within the corporate limits of the Town of Gilbert; and

WHEREAS, the territory proposed to be annexed to the City of Chandler is contiguous to the corporate limits of the City of Chandler.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

A. That portion of Gilbert Road right-of-way generally located at the intersection of Gilbert Road and Pecos Road, consisting of approximately 0.03 acres, as legally described in **Exhibit 1** attached hereto and depicted in the accurate map attached hereto as **Exhibit 2** is hereby deannexed from the Town of Gilbert to the corporate limits of the City of Chandler, contingent upon annexation by the City of Chandler and fulfillment of the provisions and requirements set forth in A.R.S. § 9-471.02.

B. A copy of this ordinance shall be filed with the Maricopa County Board of Supervisors with a request that the Board of Supervisors set a hearing date as set forth in A.R.S. § 9-471.02 (D).

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6th day of September 2012.

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray, Sentz

NAYES: None ABSENT: None

EXCUSED: None ABSTAINED: None




John W. Lewis, Mayor

ATTEST:



Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall, & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2383 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 6th DAY OF SEPTEMBER 2012, WAS POSTED IN FOUR PLACES ON THE 13 DAY OF September, 2012.



Catherine A. Templeton, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Exhibit 1 - Legal Description
2. Exhibit 2 - Map

Exhibit 1

Legal Description

EXHIBIT 1

Note: The legal description below is based on county and municipal documents. It is not based on a boundary survey of the subject parcel.

LEGAL DESCRIPTION FOR THE DEANNEXATION OF PARCEL 1 FROM THE TOWN OF GILBERT

That portion of a parcel of land described in the Records of Maricopa County, Arizona located in Section 6, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

PARCEL 1:

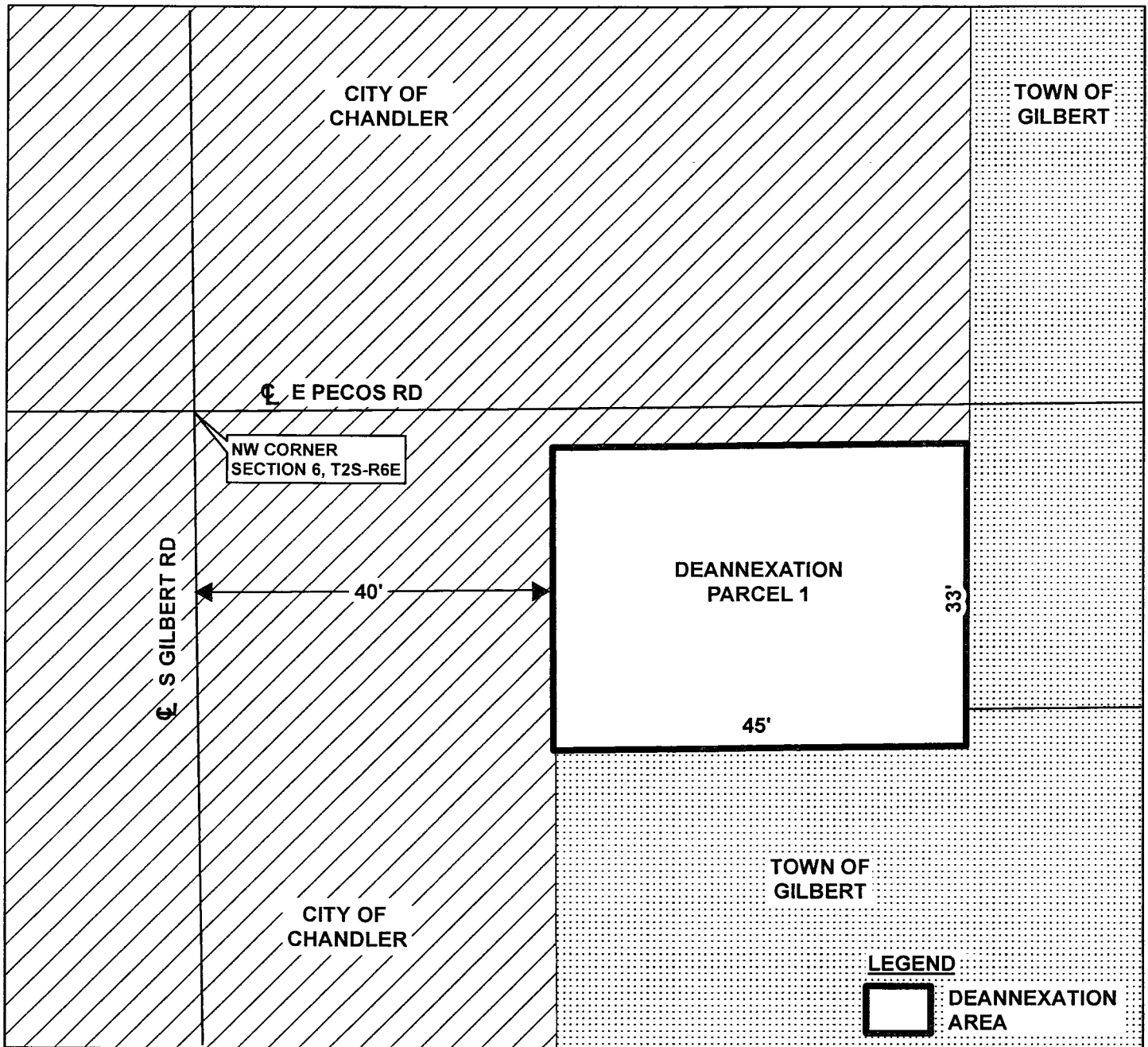
The East 45 feet of the West 85 feet of the North 33 feet of the Northwest Quarter of said Section 6;

Containing an area of 1,485.00 Square Feet or 0.03 Acres, more or less.

Exhibit 2

Map

DEANNEXATION OF A PORTION OF THE GILBERT RD RIGHT-OF-WAY - SE QUADRANT OF GILBERT RD AND PECOS RD INTERSECTION



I, Michael Gillespie, Town Engineer of the Town of Gilbert, Arizona, do hereby certify that the foregoing map is a true and accurate map of the right-of-way deannexed from the corporate limits of the Town of Gilbert by Ordinance No. 2383 pursuant to the annexation of said right-of-way into the corporate limits of the City of Chandler, Arizona and as approved by the Maricopa County Board of Supervisors.

Michael A. Gillespie
Michael Gillespie, Town Engineer



Exhibit 2